



Issue Date: 22 March 2018

CASE NO.: 2017-STA-00064

In the Matter of:

CHARLES K. DOSS,
Complainant,

v.

SPHERE N.A., INC. and
CHARLES CAMPBELL,
Respondents.

ORDER DISMISSING CASE WITHOUT PREJUDICE

This matter was scheduled for hearing under the employee-protection provisions of the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105, beginning on December 11, 2017 in Atlanta, Georgia. The hearing was canceled by order dated November 2, 2017. In that order, I noted that various orders and notices have issued in this matter, and all such documents issued to Respondents Sphere N.A. and Charles Campbell have been returned as undeliverable. I directed Complainant to advise me of his position regarding further proceedings in this matter no later than November 17.

By letter dated November 3, 2017, Complainant cited similar difficulties in locating Respondents or either of them. He was subsequently directed to advise the undersigned of his success, or lack thereof, in locating Respondents, no later than March 16, 2018. Complainant has provided no such information. I note that all mail addressed to both Respondents in this matter continues to be returned as undeliverable.

It appears that Respondents cannot be reached. It would be fruitless to schedule a hearing if they cannot receive notice of it; holding a hearing and rendering a decision under those circumstances would violate Respondents' due process rights. On the other hand, an outright dismissal of the complaint would be unjust to Complainant. The OALJ case will therefore be dismissed without prejudice, leaving the complaint in place. Should Complainant locate Respondents or either of them, he may move to vacate the dismissal and reschedule the hearing.

ORDER

Accordingly, IT IS ORDERED that this matter is DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

PAUL C. JOHNSON, JR.
District Chief Administrative Law Judge

PCJ, Jr./ksw
Newport News, Virginia